

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RONALD J. ALLISON,
Plaintiff,
v.
MIKE VANLUVEN,
Defendant.

Case No. 2:22-cv-00994-RFB-NJK

REPORT AND RECOMMENDATION

On June 23, 2022, Plaintiff filed a motion to initiate this case without paying the required fee or filing an application to proceed *in forma pauperis*. Docket No. 1. On June 24, 2022, the Court ordered Plaintiff to pay the filing fee or file an application to proceed *in forma pauperis* by July 25, 2022. Docket No. 2. The Court warned that “[f]ailure to comply will result in a recommendation to the District Judge that this case be dismissed.” *Id.* at 1. Notwithstanding that warning, Plaintiff did not comply.

This case cannot proceed without Plaintiff either paying the filing fee or filing a motion to proceed *in forma pauperis*. See 28 U.S.C. § 1914(a); see also 28 U.S.C. § 1915(a). Having refused to do either in this case, Plaintiff's complaint is subject to dismissal. E.g., *Desai v. Biden*, 2021 WL 38169, at *1 (E.D. Cal. Jan. 5, 2021), adopted, 2021 WL 276236 (E.D. Cal. Jan. 27, 2021).

Moreover, Plaintiff's refusal to comply with the Court's order is an abusive litigation practice that has interfered with the Court's ability to hear this case, delayed litigation, disrupted the Court's timely management of its docket, wasted judicial resources, and threatened the integrity of the Court's orders and the orderly administration of justice. Sanctions less drastic than dismissal are unavailable because Plaintiff has refused to comply with the order of this Court notwithstanding the warning that case-dispositive sanctions may be imposed.

1 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
2 prejudice.

3 Dated: August 1, 2022

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5 Nancy J. Koppe
United States Magistrate Judge

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7 **NOTICE**

8 This report and recommendation is submitted to the United States District Judge assigned
9 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
10 recommendation must file a written objection supported by points and authorities within fourteen
11 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
12 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
13 F.2d 1153, 1157 (9th Cir. 1991).

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